

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DEWAYNE D. KNIGHT,

Plaintiff,

v.

Case No. 19-cv-575-pp

SONJA ANDERSON, ASHLEY DRONE,
NURSE HONLY, MICHAEL KEMERLING,
and JAMES PATTERSON,

Defendants.

**ORDER DISMISSING NURSE HONLY FOR PLAINTIFF'S FAILURE TO
PROSECUTE HIS CLAIM AGAINST HIM OR HER**

On February 3, 2021, the court entered a scheduling order setting deadlines for completing discovery and filing dispositive motions. Dkt. No. 28. The court ordered the parties to complete discovery no later than July 1, 2021, and ordered that any party wishing to file a motion for summary judgment must do so by August 2, 2021. Id. at 1–2. The court also explained that the Wisconsin Department of Justice had been unable to identify the defendant to whom the plaintiff had referred in his complaint as “Nurse Honly.” Id. at 2; see Dkt. No. 20 (DOJ’s Acceptance of Service). The court ordered the plaintiff to “use discovery to identify the proper name of this defendant.” Dkt. No. 28 at 2. The court told the plaintiff that once he identified the defendant, he should file a motion to substitute the defendant’s proper name for the “Nurse Honly” placeholder. Id. The court ordered the plaintiff to identify the defendant by April 19, 2021. Id. The court advised the plaintiff that if he did not identify the

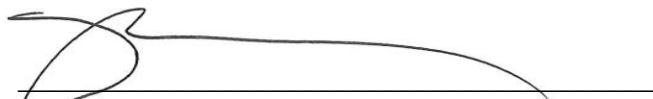
person he'd called "Nurse Honly" by that deadline, "the court may dismiss him or her from this case." Id.

The April 19, 2021 deadline has passed. The plaintiff has not filed a motion to substitute the proper name for Nurse Honly, nor has the plaintiff contacted the court requesting additional time to conduct discovery and identify this defendant. The court will dismiss Nurse Honly because the plaintiff has failed to prosecute his claim against him or her. See Civil Local Rule 41(c) (E.D. Wis.) ("Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.").

The court **ORDERS** that defendant Nurse Honly is **DISMISSED** under Civil L.R. 41(c) because the plaintiff has failed to diligently pursue his claim against him or her.

Dated in Milwaukee, Wisconsin this 29th day of April, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge